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INFO RUEHBY/AMEMBASSY CANBERRA PRIORITY 1792
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RUEHKL/AMEMBASSY KUALA LUMPUR PRIORITY 4387
RUEHLO/AMEMBASSY LONDON PRIORITY 0399
RUEHKO/AMEMBASSY TOKYO PRIORITY 5530
RUENAAA/CNO WASHINGTON DC PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0050
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY
RULSJGA/COMDT COGARD WASHINGTON DC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

C O N F I D E N T I A L SINGAPORE 003669

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E.O. 12958: DECL: 11/22/2016
TAGS: [AS](#) [EWWT](#) [ID](#) [MY](#) [PBTS](#) [PHSA](#) [PREL](#) [SN](#) [UNGA](#) [MRSEC](#)
SUBJECT: SINGAPORE PLAYS TOUGH ON TORRES STRAIT IN UNGA
OCEANS RESOLUTION

REF: A. REED - ROACH EMAILS OF NOVEMBER 20 AND 21
[1](#)B. CANBERRA 1765
[1](#)C. STATE 90707

Classified By: Classified by Ambassador Patricia L. Herbold, reasons 1.
4 (b) and (d).

[1](#)1. (SBU) Ambassador-at-large Tommy Koh called in Ambassador Herbold to the MFA on November 22 to urge the United States to continue trying to get Australia to accept tougher language on the right of free passage contained in the UNGA draft resolution on Oceans and the law of the sea. Koh stressed that Singapore remains deeply concerned that Australia's unilateral implementation of compulsory pilotage in the Torres Strait would establish a precedent seen to allow other coastal states (e.g., Indonesia and Malaysia) to encroach on the right of free passage as enshrined in the UN Convention on the Law of the Sea (UNCLOS). Koh urged us to work to get Australia to accept a compromise formulation based on an earlier U.S. proposal (see paragraph 4) in place of operative paragraph (OP) 65 in the current draft. If that effort failed, Koh said the GOS would table an amendment adding a new OP (see paragraph 5) that addressed its concerns.

[1](#)2. (SBU) Ambassador Herbold recalled that the United States shares Singapore's view on the Torres Strait issue and had worked in New York to negotiate mutually acceptable language with Australia. However, time had elapsed, and the United States now considered the negotiation closed. She stressed that the United States did not support tabling an amendment that might put passage of the resolution by consensus at risk. The Ambassador suggested that if Singapore were to refrain from tabling an amendment, we would be prepared to make a strong explanation of vote on the right of free passage after the resolution's adoption by consensus. She hoped that Singapore might then follow with a statement of its own.

[1](#)3. (SBU) Koh said that the resolution's Brazilian coordinator, Carlos Duarte, had informed Singapore by email that he would accept changes to the draft until 2 p.m. November 22, New York time. Koh allowed that Singapore was still considering options, and he did not rule out that it might eventually support the U.S. approach. But he said Singapore did not want to give up yet, and reasserted that it would table an amendment if an acceptable formulation for OP

65 were not found. He again urged us to use the available time to convince Australia to accept the language in paragraph 4.

¶4. (U) Proposed compromise language in place of OP65: Calls upon coastal states, archipelagic states, and states bordering straits used for international navigation to comply with their duties as set forth in the convention, calls upon foreign ships exercising the right of innocent passage and foreign ships and aircraft exercising the right of archipelagic sea lanes passage and transit passage to comply with their duties as set forth in the convention, (and calls upon all states to refrain from taking any unilateral action which is inconsistent with the convention.) (Note: Singapore's addition to earlier U.S. proposal enclosed in brackets.)

¶5. (SBU) Amendment GOS intends to propose if paragraph 4 language is not accepted: Reaffirms that States bordering straits used for international navigation may adopt, as provided in the Convention, laws and regulations relating to transit passage through straits; such laws and regulations shall not discriminate in form or in fact among foreign ships or in their application have the practical effect of denying, hampering or impairing the right of transit passage, and foreign ships exercising the right of transit passage shall comply with such laws and regulations;

¶6. (C) COMMENT: Singapore is well aware that the United States has been its closest ally on the Torres Strait issue. At the end of the day, we suspect it will think hard before putting at risk the consensus that both we and Singapore seek on this resolution. Nevertheless, its threatening to maintain a hard line, even when it knew of our strong view on

preserving consensus going into this meeting, is unusual for Singapore and is a measure of how strongly it feels about preserving the current balance between rights and responsibilities of coastal and user states under UNCLOS, especially in its own complicated maritime neighborhood.
HERBOLD